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7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 JOSEPH SILVA,

15 Defendant.
16

Case No. 1:23-cr-00163-JLT-SKO

STIPULATION TO VACATE BRIEFING
SCHEDULE AND HEARING DATE AND TO
SET CHANGE OF PLEA HEARING; ORDER

17 IT IS HEREBY STIPULATED, by and between the parties through their respective
18 counsel, Assistant United States Attorney Karen Escobar, counsel for plaintiff, and Assistant
19 Federal Defender Reed Grantham, counsel for Joseph Silva, that the briefing schedule on a
20 defense motion to dismiss, previously set on July 19, 2024, be vacated, and that the previously
21 scheduled hearing on the defense motion to dismiss, set for October 7, 2024, at 9:00 a.m., be
22 converted to a change of plea hearing on the same date, October 7, 2024, at 9:00 a.m.

23 On July 19, 2024, the parties submitted, and this Court signed, a stipulation that set a
24 briefing schedule and a hearing date on a defense motion to dismiss. *See* Dkt. #37. Since then,
25 the parties have engaged in additional plea negotiations that have resulted in an updated plea
26 proposal that was provided by the government on August 26, 2024. In light of the proposed plea
27 agreement, the parties are in agreement to vacate the briefing schedule previously set and to
28 convert the October 7, 2024 motion to dismiss hearing to a change of plea hearing. Counsel for

Mr. Silva has discussed the general terms of the plea agreement with Mr. Silva by video but requires additional time to meet with Mr. Silva—who is currently in pretrial custody at Taft—in-person. The time between the filing of this stipulation and October 7, 2024, is necessary for continued plea negotiations, the opportunity for counsel to meet with Mr. Silva at Taft, and in light of counsel for Mr. Silva’s previously scheduled leave between now and October 7, 2024.

The requested continuance will conserve time and resources for the parties and the Court. Counsel for defendant believes that failure to grant the above-requested continuance would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The government does not object to the continuance.

Accordingly, based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period to October 7, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i), (ii) and (iv) because it results from a continuance granted by the Court at defendant’s request on the basis of the Court’s finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

Respectfully submitted,

PHILLIP A. TALBERT
Acting United States Attorney

Date: August 29, 2024

/s/ Karen Escobar
KAREN ESCOBAR
Assistant United States Attorney
Attorney for Plaintiff

HEATHER E. WILLIAMS
Federal Defender

Date: August 29, 2024

/s/ Reed Grantham
REED GRANTHAM
Assistant Federal Defender
Attorney for Defendant
JOSEPH SILVA

ORDER

IT IS SO ORDERED. The briefing schedule previously set on July 19, 2024, is vacated, and the motion hearing set for October 7, 2024, at 9:00 a.m. is converted to a change of plea hearing on the same date and time.

The time period to October 7, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i), (ii) and (iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

Dated: **August 29, 2024**


UNITED STATES DISTRICT JUDGE